

Message Text

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42

ORIGIN ARA-10

INFO OCT-01 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00 DOTE-00

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA IMMEDIATE

UNCLAS STATE 236089

E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR - AIDE-MEMOIRE

1. PERUVIAN EMBASSY DELIVERED FOLLOWING AIDE MEMOIRE TO
DEPARTMENT ON OCTOBER 3: QUOTE:

2. AEROPERU PROPOSES TO INAUGURATE SERVICE VERY SHORTLY
BETWEEN PERU AND LOS ANGELES. THE SERVICE WILL OPERATE
VIA MEXICO CITY BUT WILL NOT HAVE MEXICO CITY-LOS ANGELES
COMMERCIAL RIGHTS AND WILL NOT CARRY MEXICO CITY-LOS
ANGELES TRAFFIC. CONSISTENT WITH THE PERU-UNITED STATES
UNDERSTANDING OF JULY 7, 1975, AEROPERU'S PROPOSED SCHEDU-
LES HAVE BEEN FILED WITH THE CAB FOR APPROVAL.

3. MEXICO CITY IS LISTED AS AN INTERMEDIATE POINT IN
AEROPERU'S CAB PERMIT, AND THERE CAN BE NO QUESTIONING
AEROPERU'S RIGHT TO SERVE MEXICO CITY UNDER THAT PERMIT.

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4. MEXICO CITY IS NOT LISTED AS AN INTERMEDIATE POINT

IN THE JULY 7 UNDERSTANDING. HOWEVER, THE UNDERSTANDING BY ITS TERMS ONLY RELATES TO SERVICES CARRYING TRAFFIC. SINCE NO MEXICO CITY-LOS ANGELES TRAFFIC IS TO BE CARRIED ON AEROPERU'S FLIGHTS, THE UNDERSTANDING CANNOT LIMIT AEROPERU'S RIGHT TO STOP IN MEXICO CITY.

5. THE ADMINISTRATIVE LAW JUDGE WHO HEARD AEROPERU'S APPLICATION TO AMEND ITS PERMIT TO INCLUDE NEW YORK AND OTHER NEW POINTS AGREED THAT THE CAB HAS NO AUTHORITY OVER AEROPERU'S PROPOSED MEXICO CITY-LOS ANGELES SERVICES SINCE THEY WILL CARRY NO LOS ANGELES-MEXICO CITY TRAFFIC.

6. PERU HAS ALREADY DEMONSTRATED IN ITS TREATMENT OF BRANIFF'S SCHEDULES THAT NON-TRAFFIC STOPS ARE NOT COVERED BY THE UNDERSTANDING. BRANIFF MAKES SUCH STOPS TODAY, BUT PERU HAS MADE NO ATTEMPT TO PREVENT -- OR EVEN REGULATE -- THEM. OCTOBER 2, 1975 END OF QUOTE.

7. WITH REFERENCE TO PARAGRAPH 6 AEROPERU ATTORNEY SEEGER WHO ACCOMPANIED PERUVIAN EMBOFF EXPLAINED THAT BRANIFF OPERATES NON-TRAFFIC STOP AT LIMA ON ITS RIO-LIMA-LOS ANGELES FLIGHT. KISSINGER

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